

E-FILED on 8/22/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE INC., AOL LLC, YAHOO! INC.,
IAC SEARCH & MEDIA, INC., and LYCOS,
INC.,

Plaintiffs,

v.

L. DANIEL EGGER, SOFTWARE RIGHTS
ARCHIVE, LLC and SITE TECHNOLOGIES,
INC.,

Defendants.

No. C-08-03172 RMW

ORDER REGARDING MOTION TO
DISMISS, TRANSFER, OR STAY

[Docket No. 42, 64]


The court grants defendants' motion to stay pending resolution of the case in the Eastern District of Texas or a decision by that court to transfer the action to the Northern District of California. By this order the court expresses no opinion on whether the motion to transfer to this district pending in the Eastern District of Texas should be granted or denied.

The motion to dismiss plaintiff L. Daniel Egger ("Egger") is granted on the basis of his statement that he does not now and will not in the future assert any ownership rights in the patents-at-issue. *See* Decl. of Lee Kaplan ISO Defs.' Reply Ex. 10 (Declaration of L. Daniel Egger) ("I owned the patents directly from September 1998 until February 2005, when I assigned them to Software Rights Archive, Inc. . . ."); *Id.* at Ex. 12 (Egger's Assignment Agreement) ("[Egger] hereby sells, assigns, and transfers to [Software Rights Archive, Inc.] his entire right, title, and interest in

1 and to the Patents . . ."). This dismissal is conditioned on Egger filing a signed stipulation to that
2 effect. The court recognizes, and Egger's stipulation may provide, that Egger has an interest in the
3 outcome of the litigation or may be entitled to some payment by Software Rights Archive for his
4 purported past sale or assignment of any ownership interests in the patents.

5 The motion to dismiss Site Technologies is denied. The motion to strike is denied.

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8 DATED: 8/21/09


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

1 Notice of this document has been electronically sent to:

2 **Counsel for Search Engines:**

3 Richard S.J. Hung rhung@mofo.com
 Michael A. Jacobs mjacobs@mofo.com
 4 Jennifer A. Kash jenniferkash@quinnemanuel.com
 5 Claude Michael Stern claudestern@quinnemanuel.com
 Kristin Janet Madigan kristinmadigan@quinnemanuel.com
 6 Juanita R. Brooks brooks@fr.com
 7 Jason W. Wolff wolff@fr.com
 Jerry T. Yen yen@fr.com
 8 Ramon K Tabtiang rkt@fr.com
 Thomas Bernard Walsh , IV walsh@fr.com

9 **Counsel for Daniel Egger, Software Rights Archive, et al.:**

10 Jay David Ellwanger jellwanger@dpehlaw.com
 11 Jeffrey A. Potts jpotts@skv.com
 Lee Landa Kaplan lkaplan@skv.com
 12 Narasa Raju Duvvuri rduvvuri@skv.com
 Thomas Frank Smegal , Jr. tomsmegal@smegallaw.com

13 **Counsel for Murray & Murray, P.C.:**

14 Joseph J. De Hope , Jr. jdehope@hinshawlaw.com

15 **Counsel for Wilson Sonsini Goodrich & Rosati, P.C.:**

16 Mark Gregory Parnes mparnes@wsgr.com

17
 18 Counsel are responsible for distributing copies of this document to co-counsel that have not
 19 registered for e-filing under the court's CM/ECF program.

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 21 **Dated:** 8/22/09

JAS
 22 **Chambers of Judge Whyte**